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GUIDELINES ON CONVENTIONAL ARMS CONTROL/LIMITATION AND DISARMAMENT, WITH PARTICULAR EMPHASIS ON CONSOLIDATION OF PEACE IN THE CONTEXT OF GENERAL ASSEMBLY RESOLUTION 51/45 N

Working paper submitted by South Africa

The South African approach to conventional arms control

1. It is not just the threat that is constituted by all weapons of mass destruction and their means of delivery that is of serious concern to the Government of South Africa, but also the build-up of conventional weapons beyond a level that can be considered legitimate for the purposes of self-defence. Conventional weapons are the source of most of the death and suffering caused in conflicts around the world today. The proliferation and illicit trafficking in conventional arms curtail the rebuilding and prosperity of society which is gained from various peace and democratization initiatives. To address these concerns the South African Cabinet approved an Interim Arms Control Policy on 30 August 1995.

2. The policy that has been approved by the Cabinet makes provision for a ministerial controlling committee - the National Conventional Arms Control Committee (NCACC) - guiding principles and guidelines, and an organizational structure for processing transactions, which will have the controlling function. There will also be an independent inspectorate. The organizational structure established by the Cabinet comprises four accountable levels of responsibility, namely:

- An initial permit application technical processing level;

- A multi-departmental review and recommendation process on permit applications;

- A scrutiny and recommendation process by the Directors-General of the relevant government departments;

- A control, policy and decision-making authority, which is a Cabinet-approved Committee of Ministers, the NCACC. There are eight Cabinet Ministers and four Deputy Ministers serving on the Committee.

This procedure and structure ensures that the authority over arms trade and transfer policies is vested in the collective ministerial leadership of the NCACC, which is accountable to the Cabinet.

3. In developing this policy, the following factors were given emphasis:

- That the reduction of world military expenditures could have a significant positive impact for the social and economic development of all peoples;

- That all sovereign countries have the inherent right of self-defence in terms of the Charter of the United Nations;

- That any transferred arms are not used in violation of the purposes and principles of the Charter of the United Nations;

- That an excessive and destabilizing arms build-up poses a threat to national, regional and international peace and security; that sales to countries in war-prone regions should continuously be evaluated and reviewed to limit the possible escalation of regional conflict;

- The need to effectively control the transfer of arms and related technologies; and

- To support and provide data and information as required by the United Nations resolution establishing the Register of Conventional Arms.

4. Besides the above, the following political, technical, social, humanitarian and economic factors are taken into account so as to ensure that due restraint is exercised in the transfer of arms and related technologies:

- Respect for human rights and fundamental freedoms in the recipient country;

- An evaluation based on the Universal Declaration of Human Rights and the African Charter on Human and People's Rights; due consideration will be given especially in cases where the political, social, cultural and legal rights are seriously and systematically violated by the authorities of that country;

- The internal and regional security situation in the recipient country, in the light of existing tensions or armed conflicts;

- The record of compliance of the recipient country with regard to international arms control agreements and treaties;

- The nature and cost of the arms to be transferred in relation to the circumstances of the recipient country, including its legitimate security and defence needs and the objective of the least diversion of human and economic resources for armaments;

- The degree to which South Africa's arms sales are supportive of its national and foreign interests.

5. The goal of South Africa is to avoid transfers and trade in arms that would be likely:

- To be used for the violation or suppression of human rights and fundamental freedoms;

- To contravene South Africa's international commitments, in particular its obligations under arms embargoes adopted by the Security Council and other arms control agreements or responsibilities in terms of internationally accepted custom;

- To endanger peace by introducing destabilizing military capabilities into a region, or otherwise contribute to regional instability and negatively influence the balance of power;

- To be diverted within the recipient country or re-exported for purposes contrary to the aims of these policies;

- To have a negative impact on South Africa's diplomatic and trade relations;

- To support or encourage terrorism;

- To be used for purposes other than the legitimate defence and security ends of the recipient country; and

- To contribute to the escalation of regional conflicts.